

**A report by the Inspector of Prisons  
Judge Michael Reilly into the circumstances  
surrounding the death of Prisoner B  
on 23<sup>rd</sup> February 2014  
while on Temporary Release**

**\*Please note that names have been removed to anonymise this Report**

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**A report by the Inspector of Prisons Judge Michael Reilly  
into the circumstances surrounding the death of Prisoner B  
on 23<sup>rd</sup> February 2014 while on Temporary Release**

Presented to the Minister for Justice and Equality pursuant to  
Part 5 of the Prisons Act 2007

Judge Michael Reilly  
Inspector of Prisons

26<sup>th</sup> August 2014

## **Preface**

Prisoner B was a 23 year old man who died on 23<sup>rd</sup> February 2014 while on temporary release.

I offer my sincere condolences to the deceased's family.

I would like to point out that names have been removed to anonymise this Report.

Judge Michael Reilly  
Inspector of Prisons

26<sup>th</sup> August 2014

# **Inspector of Prisons Investigation Report**

## **General Information**

1. The deceased was a 23 year old man who came from the Dublin area. He is survived by his mother and family members.
2. The deceased was committed to Mountjoy Prison on 27<sup>th</sup> February 2012. His release date was to be 28<sup>th</sup> May 2014.
3. The deceased served the majority of his sentence in Mountjoy Prison with two short spells in the Training Unit.
4. The deceased had a history of substance misuse. He availed of residential treatment and during his life took steps to deal with his addiction.
5. Despite numerous efforts I did not meet with the deceased's next of kin.
6. The deceased died on 23<sup>rd</sup> February 2014 having being on temporary release since 4<sup>th</sup> June 2013.

## **Imprisonment locations**

7. In this paragraph I set out in chronological order the prisons that the deceased was accommodated in between his initial imprisonment on 27<sup>th</sup> February 2012 and his release on temporary release on 4<sup>th</sup> June 2013.
  - On 27<sup>th</sup> February 2012 the deceased was committed to Mountjoy Prison.
  - On 5<sup>th</sup> April 2012 the deceased was transferred from Mountjoy Prison to the Training Unit.
  - On 13<sup>th</sup> April 2012 the deceased was transferred back to Mountjoy Prison from the Training Unit.

- On 9<sup>th</sup> November 2012 the deceased was transferred from Mountjoy Prison to the Training Unit.
- On 12<sup>th</sup> February 2013 the deceased was transferred from the Training Unit to Mountjoy Prison.
- The deceased remained in custody in Mountjoy Prison until his release on Temporary Release on 4<sup>th</sup> June 2013.

### **Relevant Sequence of Events**

8. During his time in custody the deceased took steps to address his addiction and was motivated to address these issues.
9. The deceased had regular engagement with addiction services and successfully completed the Drug Detox programme on 4<sup>th</sup> September 2012.
10. On 9<sup>th</sup> November 2012 the deceased was placed on the Enhanced Regime. He retained his status until his temporary release on 4<sup>th</sup> June 2013.
11. The deceased had only one disciplinary report for which he was found guilty of possession of a mobile telephone in the Training Unit on 12<sup>th</sup> April 2012.
12. On 27<sup>th</sup> May 2013 the deceased was approved for Reviewable Temporary Release. This followed a thorough assessment at which the deceased's addiction was the main issue. It was the opinion of those carrying out the assessment that residential care in a specialist unit would most benefit the deceased. The conditions of his temporary release provided, *inter alia*, that he was to reside in Coolmine Residential Treatment Centre, abide by any lawful rules of the treatment centre and sign on at Mountjoy Prison by fax on a weekly basis.
13. On 13<sup>th</sup> August 2013 Coolmine Residential Centre notified Mountjoy Prison that the deceased had completed his residential treatment and had progressed to their Step Down programme which he would attend on a daily basis from

10.00am until 4.00pm Monday to Friday. They also advised the prison of the deceased's intended residential address in the Dublin area.

14. On 14<sup>th</sup> August 2013 the deceased was granted weekly Reviewable Temporary Release. The terms of his temporary release included, *inter alia*, that he reside at a given address, that he attend the Coolmine Day programme and that he report daily to his local Garda Station.
15. On 22<sup>nd</sup> August 2013 the deceased completed the Step Down programme in Coolmine Lodge and on 23<sup>rd</sup> August 2013 commenced the After Care programme.
16. In early September 2013 the deceased was accepted to participate in a college course and he requested that his reviewable temporary release conditions be changed to – *“Fortnightly turnaround and to sign on three times a week at his local Garda Station to facilitate his educational programme”*.
17. On 11<sup>th</sup> September 2013 the terms of the deceased's temporary release were altered to reflect his wishes outlined in paragraph 16. These terms included, *inter alia*, that he reside at a given address, that he sign on three times a week at his local Garda Station and the term of such temporary release was extended to 14 days.
18. The deceased signed on in Mountjoy Prison every two weeks between 11<sup>th</sup> September 2013 and 19<sup>th</sup> February 2014. On 19<sup>th</sup> February 2014 the deceased again signed on with a condition that he would next sign on on 5<sup>th</sup> March 2014.
19. On Sunday 23<sup>rd</sup> February 2014 members of An Garda Síochána from the deceased's local Garda Station attended at the scene of a sudden death at an address reasonably adjacent to that where the deceased was to reside in accordance with the terms of his temporary release.

20. At the scene the Gardaí took names of a number of people who were in the company of the deceased the previous night. The Dublin Fire Brigade Ambulance was alerted and the deceased was taken to James Connolly Memorial Hospital where he was pronounced dead by the hospital doctor.
21. The Irish Prison Service were informed of the deceased's death on 8<sup>th</sup> April 2014 by the Department of Social Protection.
22. Subsequent to 8<sup>th</sup> April 2014 the Irish Prison Service made contact with Coolmine Lodge seeking information on the death of the deceased.
23. I have been informed that Coolmine Lodge confirmed that the deceased had self discharged from the After Care programme on 23<sup>rd</sup> January 2014 declaring that – "*He could not continue as he had recommenced drinking and had used cocaine in the preceding weeks*". The Irish Prison Service has informed me that this fact was not made known to them and therefore was not taken into consideration when decisions were made regarding the granting of temporary release.

### **Findings**

24. The deceased had endeavoured, both in the Community, and in prison to address his drug dependency addiction.
25. The deceased enjoyed the status of an Enhanced Prisoner.
26. The decision by the Irish Prison Service to grant temporary release on 4<sup>th</sup> June 2013 with a condition that the deceased reside at Coolmine Treatment Centre was a correct decision in all of the circumstances.
27. The decision to alter the terms of the temporary release as set out in paragraphs 14 and 17 were correct decisions in all of the circumstances.
28. The terms of the temporary release which prevailed from 11<sup>th</sup> September 2013 to 19<sup>th</sup> February 2014 did not include a provision that the deceased would

attend After Care. Therefore, there was no obligation on Coolmine Treatment Centre to inform the Prison Authorities that the deceased had self discharged from the After Care Programme on 23<sup>rd</sup> January. Even if there was an obligation on Coolmine Lodge to notify the prison authorities that the deceased had self discharged from the After Care Programme this would have made no difference as the deceased's last signing on at Mountjoy Prison was on 19<sup>th</sup> February.

29. The deceased abided by all of the terms of his temporary release from 4<sup>th</sup> June 2013 to 19<sup>th</sup> February 2014.
  
30. The Prison Authorities only became aware of the death of the deceased on 8<sup>th</sup> April 2014 when informed by the Department of Social Protection. The deceased had died on 23<sup>rd</sup> February 2014 as referred to in paragraph 19. Despite the fact that the deceased died on 23<sup>rd</sup> February 2014 and his death was investigated by members of An Garda Síochána from his local station (the same station that the deceased had been signing on at for the previous nine months) this fact was not brought to the attention of the prison authorities. **It is obvious that subsequent to 23<sup>rd</sup> February 2014 the deceased should have been considered as being unlawfully at large if the protocol between An Garda Síochána and the Irish Prison Service had been adhered to.**

### **Recommendation**

The protocol between An Garda Síochána and the Irish Prison Service referred to in paragraph 30 should be operated to the letter by both parties.